

Notice of Allowability

Application No.

10/791,861

Applicant(s)

KOSHIKAWA ET AL.

Examiner

Art Unit

Katarzyna Wyrozebski

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/6/07.
2. ☒ The allowed claim(s) is/are 1,4-7 and 11-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>9/10/07</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

**KATARZYNA WYROZEBSKI-
PRIMARY EXAMINER**

EXAMINER'S AMENDMENT

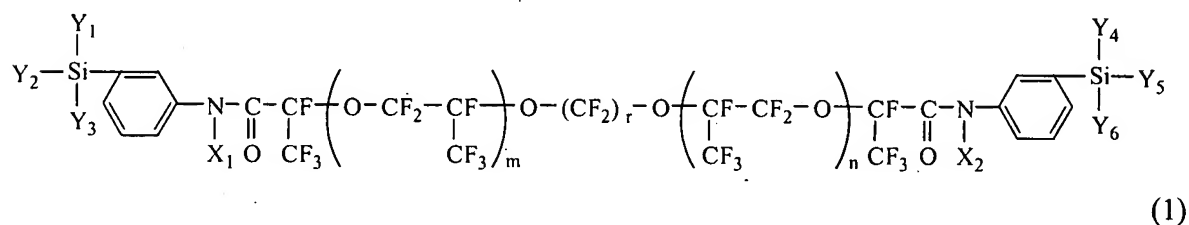
1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Gallagher on September 10, 2007.

The amendment has been made in order to render claim language compatible with formulas 1-2 to 1-5, wherein in this particular claim the minimum number of alkenyl groups is three. New matter rejection as stated in office action dated 4/9/2007 is hereby withdrawn.

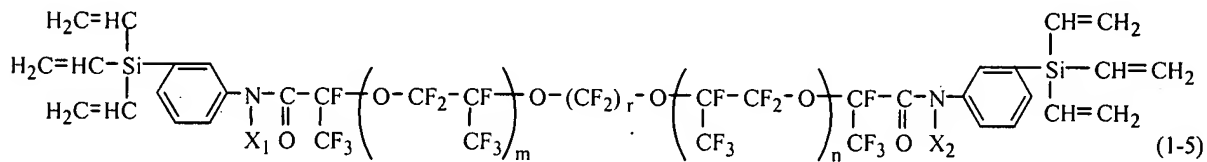
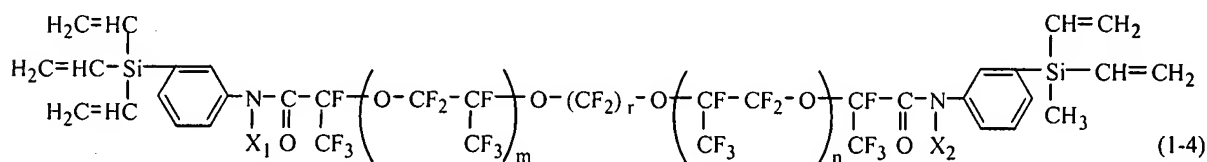
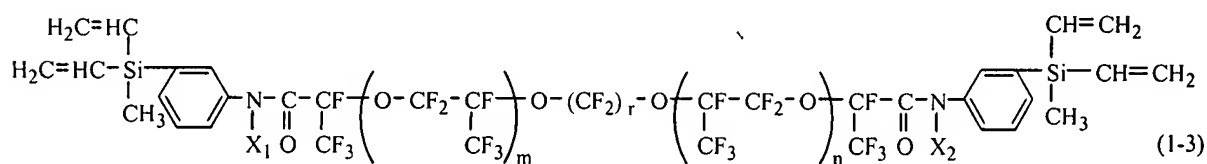
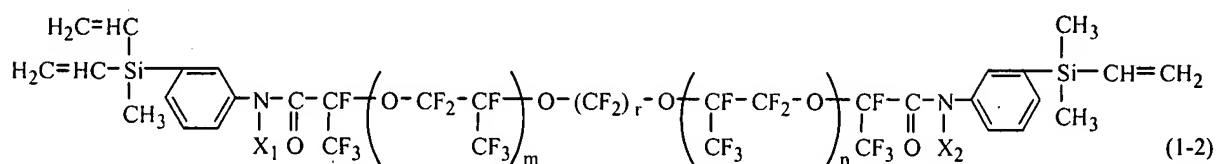
Claim 1. A heat-curable fluoropolyether rubber composition comprising

(A) 100 parts by weight of a straight-chain perfluoropolyether compound represented by the general formula (1):



wherein X₁ and X₂ each are hydrogen, methyl, phenyl, or allyl, at least three of Y₁, Y₂, Y₃, Y₄, Y₅, and Y₆ are alkenyl groups, the remaining Y groups are substituted or unsubstituted monovalent hydrocarbon groups, r is an integer of 2 to 6, and m and n each are integers such that the number average molecular weight of the compound of formula (1) is 5000 to 25,000, wherein

component (A) is one of the compounds represented by the following formulae (1-2) to (1-5) or a mixture thereof:



and the alkenyl content in the compound is 0.008 to 0.12 mol/100 grams,

(B) 1 to 100 parts by weight of a reinforcing filler, and

(C) 0.1 to 5 parts by weight of an organic peroxide.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

In view of applicant's amendment filed 7/6/2007 the prior art of record is hereby overcome.

The amendment submitted on 7/6/2007 overcomes Double Patenting and anticipation rejections, especially 102(e) rejections, for the following reasons.

Claim 1 although it indicates that at least three substituents on silicon comprise alkenyl group, claim further limits such compounds to those having formula 1-2 to 1-5. These specific four compounds are not enabled by the prior art of record.

Claim 15 further indicates that the composition comprises combination of compounds having formula 1-1 and 1-2 through 1-5. Although the prior art of record enables formula 1-1, it still does not teach formulas 1-2 to 1-5 and mixture of 1-1 with any of the above.

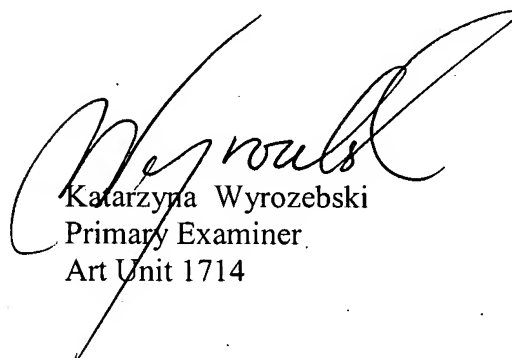
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna Wyrozebski whose telephone number is (571) 272-1127. The examiner can normally be reached on Mon-Thurs 6:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Katarzyna Wyrozebski
Primary Examiner
Art Unit 1714

September 10, 2007